

Attorney Docket No. 0756-2023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shunpei YAMAZAKI

Serial No. 09/385,020

Filed: August 30, 1999

For: ELECTRONIC DEVICE WITH LIQUID
CRYSTAL DISPLAY

) Group Art Unit: 2674

) Examiner: K. Nguyen

) CERTIFICATE OF MAILING

) I hereby certify that this correspondence is
) being deposited with the United States Postal
) Service with sufficient postage as First Class
) Mail in an envelope addressed to:
) Commissioner for Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450, on July 9, 2004.

Adelle M. Stamps

RESPONSE

RECEIVED

JUL 16 2004

Technology Center 2600

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Advisory Action mailed June 28, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Third Month Extension of Time*, which extends the shortened statutory period for response to July 9, 2004. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 30, 1999, April 26, 2001, March 5, 2002, and April 12, 2002.

Claims 7-26 are pending in the present application, of which claims 7, 11, 15, 19 and 23 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action appears to continue to reject claims 7, 9-14 and 19-26 as obvious based on the combination of U.S. Patent No. 5,896,119 to Evanicky et al. and JP 08-211361 to Maruyama; claims 15-17 as obvious based on the combination of Evanicky and U.S. Patent No. 5,334,993 to Okajima et al.; and claims 8 and 18 as

obvious based on the combination of Evanicky, Maruyama and U.S. Patent No. 5,953,469 to Zhou. Since claim 18 depends from claim 15, it appears this rejection is also based on a combination with Okajima. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. The independent claims recite a battery. Evanicky and Maruyama do not teach or suggest at least the above-referenced features of the present invention.

The Official Action asserts that "Evanicky's power supply 537 (fig. 10) must be a DC voltage source to generate supplying the DC voltage for integrated circuit (ASIC) in a video card 530 ... Therefore, the teaching of Evanicky's power supply 537 is DC voltage source or a battery" (page 2, Paper No. 32). The Applicant respectfully

disagrees and traverses the above assertions in the Official Action. In particular, the Applicant traverses the assertion that the power supply 537 is a battery. The Applicant respectfully submits that since base assembly 12 shown in Fig. 10 of the Evanicky patent has an alternating current source 44, the reference to Evanicky does not teach or suggest a battery. Evanicky is completely silent as to a battery, DC or a direct current. Even if it were shown that power supply 537 provides a direct current, this does not teach or suggest that power supply 537 is a battery. Therefore, Evanicky does not teach or suggest a battery, and Evanicky does not teach or suggest replacing the AC power supply unit 537 with a battery.

The Official Action asserts that "it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify each [Evanicky] lamp including the RGB LED elements 15R, 15B, 15G [which] are arranged in the triangle shape, in view of the teaching in Maruyama's reference because this would be miniaturized thinly, the uniform luminescence quantity of light can be obtained, and [a] long lasting display can be obtained, without producing the shortage of an illuminance" (page 2, Paper No. 32). The Applicant respectfully disagrees and traverses the above assertion. Maruyama does not cure the deficiencies in Evanicky. Specifically, Maruyama does not teach or suggest a battery or replacing the power supply unit 537 of Evanicky with a battery. The Official Action relies on Maruyama to allegedly teach a liquid crystal display device having three light emitting diode elements of red, green and blue (page 3, Paper No. 25). However, Evanicky and Maruyama, either alone or in combination, do not teach or suggest replacing the AC power supply unit 537 of Evanicky with a battery.

Furthermore, independent claim 7 of the present application recites white light emitted from a light source comprising 3-color light emitting diodes. The Official Action appears to be silent as to this feature of the present invention. The Applicant respectfully submits that Evanicky and Maruyama do not teach or suggest white light emitted from a light source comprising 3-color light emitting diodes.

Since Evanicky and Maruyama do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

With respect to claims 15-17, Okajima does not cure the deficiencies in Evanicky. The Official Action relies on Okajima to allegedly teach an LCD having a backlight, and a light guide plate made of a flat plate-shaped acrylic resin (page 5, Paper No. 25). However, Evanicky and Okajima, either alone or in combination, do not teach or suggest replacing the AC power supply unit 537 of Evanicky with a battery. Since Evanicky and Okajima do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

With respect to dependent claims 8 and 18, Zhou does not cure the deficiencies in Evanicky, Maruyama and Okajima. The Official Action relies on Zhou to allegedly teach a counter substrate having a plurality of inclined surfaces on a back of the counter substrate (page 5, Paper No. 25). However, Evanicky, Maruyama, Okajima and Zhou, either alone or in combination, do not teach or suggest replacing the AC power supply unit 537 of Evanicky with a battery or, with respect to claim 8, white light emitted from a light source comprising 3-color light emitting diodes. Since Evanicky, Maruyama, Okajima and Zhou do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

Furthermore, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Evanicky, Maruyama, Okajima and Zhou or to combine reference teachings to achieve the claimed invention. Specifically, the Official Action has not made a clear argument why one of skill in the art would have been motivated to replace the power supply 537 of Evanicky with a battery. Even assuming that the argument in the Official Action that "Evanicky's power supply 537 (fig. 10) must be a DC voltage source" is correct, the Official Action has failed to show that a DC voltage source must be a battery. It is all the more unreasonable to assert that the power supply 537 is a battery when Evanicky, Maruyama, Okajima and Zhou appear to be completely silent as to a

battery, DC or a direct current. Therefore, the Official Action has not provided motivation from the prior art references of record to show why it would have been obvious at the time the invention was made to provide a battery in lieu of the power supply 537 in Evanicky.

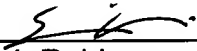
Also, with respect to claim 7, the Official Action has not provided motivation from the prior art references of record to show why the feature of white light emitted from a light source comprising 3-color light emitting diodes would have been obvious at the time the invention was made.

In the present application, it is respectfully submitted that the prior art of record, alone or in combination, does not expressly or impliedly suggest the claimed invention and the Official Action has not presented a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

For the reasons stated above, the Official Action has not formed a proper *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,


Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789